

Sum

2016 MAR 23 PM 3:03

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AD

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JOEL DUARTE MEDINA (1),
MANUEL GALLEGOS JIMENEZ (2),**

Defendants.

Magistrate's Case No. '16 MJ8258

COMPLAINT FOR VIOLATION OF

**21 U.S.C. 952, 960, 963
(Conspiracy to Import Controlled
Substances; 21 U.S.C. 841, 846
(Conspiracy to Distribute
Controlled Substances); 21
U.S.C. 856(a)(1) and 846
(Conspiracy to Maintain Drug
Related Property)**

The undersigned complainant being duly sworn states:

**COUNT ONE
(Conspiracy To Import Controlled Substances)**

Beginning at a date unknown and continuing up to and including March 23, 2016, within the Southern District of California, and elsewhere, defendant JOEL DUARTE MEDINA did knowingly and intentionally conspire with others to import controlled substances, to wit, marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952, 960 and 963.

DOA 3/23/16

COUNT TWO

(Conspiracy To Distribute Controlled Substances)

Beginning at a date unknown and continuing up to and including March 23, 2016, within the Southern District of California, and elsewhere, defendant JOEL DUARTE MEDINA did knowingly and intentionally conspire with others to distribute marijuana, a Schedule I Controlled Substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

COUNT THREE

(Conspiracy To Maintain Drug Related Premises)

Beginning at a date unknown, and continuing to March 23, 2016, within the Southern District of California, and elsewhere, defendant MANUEL GALLEGOS JIMENEZ did knowingly and intentionally conspire with others, to maintain a location at 902 E. Third Street, Calexico, California, for the purpose of distributing marijuana, a Scheduled I Controlled Substance; in violation of Title 21, United States Code, Sections 856(a)(1) and 846.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



MATHEW PARKER

U.S. Homeland Security Investigations

Sworn to before me and subscribed in my presence, this 23RD day of March, 2016 .



THE HONORABLE PETER C. LEWIS

United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 vs.

3 JOEL DUARTE MEDINA (1),
4 MANUEL GALLEGOS JIMENEZ (2),
5

6 **STATEMENT OF FACTS**

7 I declare, under penalty of perjury, the following:

8 For the purposes of this statement of facts:

9 (1) the property located at 902 E. Third Street, Calexico, California
10 (hereinafter referred to as "Calexico Third Street Property") includes the newly built
11 residence that contains the exit point of the tunnel and approximately 300 yards from the
12 border - a narcotics tunnel was found following a search warrant on March 23, 2016;

13 (2) the residence located at 1056 Horizon St., Calexico, California
14 (hereinafter "Horizon Residence") is a nearby stash location for the tunnel organization
15 and approximately 67 packages of marijuana (over 1,532 pounds) was found at this
16 residence following a search warrant on March 23, 2016 [in addition, 60 packages of
17 marijuana (approximately 1350 pounds) was seized on March 7, 2016;] and,

18 (3) the warehouse at 260 Avenida Campillo, Suite A, Calexico, California
19 (hereinafter "Avenida Campillo Warehouse") is another stash location that was used in
20 connection with the 1350 pounds of marijuana seizure on March 7, 2016. All three
21 locations are in Calexico, California.

22 Based on federal wire and electronic interceptions, agents observed the residence's
23 construction at the Calexico Third Street Property for several months in 2015. The
24 traffickers built this residence for the purpose of concealing the tunnel exit point.
25 Intercepted communications revealed that Eva Medina De Duarte negotiated \$10,000.00
26 U.S. dollars to come to Calexico (from Arizona). Her role was to assist in the
27 distribution of narcotics from the tunnel location to the stash locations. As detailed
28 below, she along with her son (defendant Joel Duarte Medina) facilitated the movement

1 of narcotics from the tunnel location inside Calexico Third Street Property and the stash
2 location at Horizon Residence and arranged to switch drivers at the swapmeet, as
3 referenced below.

4 In addition, on the date of the search warrants on March 23, 2016, defendant Joel
5 Duarte Medina was inside the Horizon Residence, where agents also found 67 packages
6 of marijuana totaling approximately 1532 pounds. During his post-arrest statement, he
7 admitted knowledge of the marijuana inside the Horizon Residence and claimed that his
8 job was to maintain the Horizon Residence for the drug organization. Agents also
9 observed defendant Joel Duarte-Medina with Eva Medina De Duarte during multiple
10 surveillances, as detailed below, when narcotics were moved from one location to
11 another, after being smuggled into the United States.

12 As to defendant Manuel Gallegos Jimenez, he was found inside the tunnel
13 residence at Calexico Third Street Property following the execution of the search warrant
14 on March 23, 2016. During his post-arrest statement, he indicated that he has been at the
15 residence at Calexico Third Street Property since March 5, 2016 and he was paid money
16 by "Diana". Agents showed him a photograph of Rosario Bejarano-Zepada and he
17 identified "Diana" as Bejarano-Zepada (wiretaps also confirmed that Bejarano-Zepada
18 was referenced as "Diana"). Gallegos Jimenez said "Diana" would also ask him if there
19 was any police activity at the residence. Bejarano-Zepada was involved in maintaining
20 the tunnel residence during the wiretap investigation. The exit point was concealed with
21 newly cemented tiles. Defendant Manuel Gallegos Jimenez denied knowledge of the
22 tunnel. Based on the ongoing investigation, agents believe that defendant Manuel
23 Gallegos Jimenez's role was to maintain the tunnel residence. He was obviously trusted
24 by the tunnel organization to maintain the residence freely – he was the only occupant
25 and it appeared that he lived continuously at the residence since March 5, 2016 (agents
26 had observed two vehicles backed into the garage on March 5 and March 6 at the
27 Calexico Third Street Property).

1
2 **Background**

3 Based on the investigation, the intercepted calls, and physical surveillance, agents
4 believe that the coconspirators began smuggling narcotics through the tunnel on or after
5 February 28, 2016 at the Calexico Third Street Property.

6 On February 28, 2016, at approximately 1330 hours, agents observed via video
7 surveillance, a Blue Dodge Dakota back into the garage of the Calexico Third Street
8 Property. Based on the investigation and training and experience of the agents, agents
9 believe that the Blue Dodge Dakota was backed into the garage for the purpose of
10 loading the Dakota with narcotics that were smuggled through the tunnel at located inside
11 the residence at the Calexico Third Street Property. Agents subsequently observed Bertha
12 Lidia Esquivel (hereinafter Esquivel) leave the Calexico Third Street Property in a White
13 Ford F-150. At approximately 2048 hours, Esquivel entered the United States through
14 the Calexico, California West Port of Entry driving a Brown Buick Rendezvous. At
15 approximately 2145 hours, the White Ford F-150 was parked in the residential driveway
16 of the Calexico Third Street Property. At approximately 2158 hours, the Brown Buick
17 arrived and also parked in the driveway. Esquivel is the registered owner of the Blue
18 Dodge Dakota, White Ford F-150, and Brown Buick.

19 On February 29, 2016, at approximately 1044 hours, agents observed via video
20 surveillance, the White Ford F-150 exit the residential driveway at the Calexico Third
21 Street Property. At approximately 1059 hours, the White Ford F-150 arrived at Horizon
22 Residence, and parked in the driveway. At approximately 1100 hours, the Blue Dodge
23 Dakota exited the garage of the residence at the Calexico Third Street Property. At
24 approximately 1113 hours, the White Ford F-150 departed from the driveway of the
25 Horizon Residence occupied by three unidentified subjects. At approximately 1128
26 hours, agents observed the Blue Dodge Dakota and the White Ford F-150 at the Santo
27 Thomas Swap Meet in Calexico.
28

1 At approximately 1130 hours, the Blue Dodge Dakota and White Ford F-150
2 departed from the swap meet. At approximately 1137 hours, agents observed via video
3 surveillance, the Blue Dodge Dakota pulled into the garage of the Horizon Residence.
4 Based on the investigation and training and experience of the agents, agents believe that
5 the Dakota was backed into the garage of the Horizon Residence for the purpose of
6 unloading the narcotics that were smuggled through the tunnel at located inside the
7 residence at the Calexico Third Street Property. Agents also believe that drivers were
8 switched at the swap meet so that the drivers taking the drugs to the Horizon Warehouse
9 were not aware of the original stash location at Calexico Third Street Property – this is
10 common in tunnel investigations for the coconspirators to compartmentalize their
11 activities from the smuggling crew, the transportation crew and the distribution crew. At
12 approximately 1158 hours, the White Ford F-150 returned to the driveway at the Calexico
13 Third Street Property.

14 On February 29, 2016, at approximately 1924 hours, agents observed the White
15 Ford F-150 depart from the Calexico Third Street Property and travel to the Shell gas
16 station on Imperial Avenue in Calexico. Agents observed Esquivel fueling the White
17 Ford F-150. At approximately 1951 hours, the White Ford F-150 was backed into the
18 garage of the Calexico Third Street Property. Again, agents believe that the White Ford
19 F-150 was backed into the garage to load the truck with the smuggled narcotics.

20 On March 1, 2016, at approximately 0905 hours, agents observed the White Ford
21 F-150 exiting the garage of the Calexico Third Street Property. At approximately 0912
22 hours, agents observed the White Ford F-150 arrive at the Santo Thomas Swap meet
23 driven by Esquivel. At approximately 0922 hours, agents observed the Blue Dodge
24 Dakota back out of the garage of the Horizon Residence and park in the driveway. At
25 approximately 0934 hours, agents observed the Brown Buick depart from the Horizon
26 Residence. At approximately 0938 hours, agents observed the Brown Buick arrive at the
27 Santo Thomas Swap meet occupied by a male (now fully identified as defendant Joel
28

1 Duarte Medina) and Eva Medina De Duarte. At approximately 0947 hours, defendant
2 Joel Duarte-Medina and Eva Medina De Duarte departed the swap meet in the White
3 Ford F-150. At approximately 0950 hours, the White Ford F-150 arrived at the Horizon
4 Residence. At approximately 0953 hours, the Brown Buick departed the swap meet
5 driven by Esquivel (who arrived earlier in the White Ford F-150). At approximately
6 1003 hours, the White Ford F-150 pulled into the garage of the Horizon Residence.

7 At approximately 1825 hours, the White Ford F-150 departed from the garage of
8 the Horizon Residence. At approximately 1829 hours, the White Ford F-150 driven by
9 defendant Joel Duarte Medina and Eva Medina De Duarte, as a passenger, met with the
10 Brown Buick, occupied by a single female occupant, on the street in front of the Santo
11 Thomas Swap meet. Both vehicles then traveled to separate stores in Calexico. At
12 approximately 1934 hours, the Brown Buick, occupied by two, arrived at the Horizon
13 Residence and parked in the driveway. At approximately 2030 hours, the White Ford F-
14 150 was backed into the residential garage of the Calexico Third Street Property.

15 On March 2, 2016, at approximately 0957 hours, the White Ford F-150 departed
16 the garage of the residence at the Calexico Third Street Property. At approximately 1002
17 hours, agents observed the Brown Buick departing from the driveway of the Horizon
18 Residence. At approximately 1005 hours, agents observed the White Ford F-150,
19 occupied by Esquivel, enter the Santo Thomas Swap meet. At approximately 1005 hours,
20 agents observed the Brown Buick, occupied by defendant Joel Duarte Medina and
21 defendant Medina De Duarte enter the swap meet. At approximately 1026 hours, the
22 both departed the swap meet in the White Ford F-150. At approximately 1030 hours, the
23 White Ford F-150 entered the garage of the Horizon Residence.

24 At approximately 1111 hours, defendant Joel Duarte Medina and Eva Medina De
25 Duarte departed the Horizon Residence in the Blue Dodge Dakota. At approximately
26 1117 hours, the Blue Dodge Dakota arrived at the Santo Thomas Swap meet. At
27 approximately 1120 hours, Esquivel departed the swap meet driving the Blue Dodge
28

1 Dakota. At approximately 1152 hours, defendant Joel Duarte Medina and Eva Duarte
2 Medina departed the swap meet in the Brown Buick. At approximately 2020 hours, the
3 Blue Dodge Dakota backed into the garage of the Calxico Third Street Property.

4 On March 3, 2016, at approximately 0720 hours, agents observed the Blue Dodge
5 Dakota exiting the residential garage at the Calxico Third Street Property. At
6 approximately 0730 hours, agents observed the White Ford F-150 depart the Horizon
7 Residence. At approximately 0734 hours, agents observed the White Ford F-150 and
8 Blue Dodge Dakota at the Santo Thomas Swap meet. At approximately 0740 hours,
9 Esquivel departed the swap meet driving the White Ford F-150. At approximately 0742
10 hours, defendant Joel Duarte Medina and Eva Medina De Duarte departed the swap meet
11 in the Blue Dodge Dakota. At approximately 0746 hours, agents observed the Blue
12 Dodge Dakota pulling into the garage of the Horizon Residence. At approximately 0802
13 hours, agents observed the White Ford F-150 park in the residential driveway of the
14 Calxico Third Street Property.

15 On March 4, 2016, a White Cargo Van backed into the garage of the Horizon
16 Residence and left – then a Red Dodge Ram appeared and drove in tandem with the
17 White Cargo Van. Eventually, the White Cargo Van and the Red Dodge Ram arrive at
18 the Avenida Warehouse. The White Cargo Van entered the warehouse at Avenida
19 Warehouse through a large bay door while the Red Dodge Ram parked in the rear
20 parking lot of the warehouse. The driver of the Red Dodge Ram was observed entering
21 Suite A through a side door. At approximately 1416 hours, agents observed defendant
22 Joel Duarte Medina and Eva Medina De Duarte enter the Brown Buick and depart from
23 the Avenida Warehouse. Agents believe that the drugs stored at Horizon Residence were
24 transported to the Avenida Warehouse by the White Cargo Van and that the Red Dodge
25 Ram was possibly conducting counter-surveillance, which is common when drugs are
26 being transported from one location to another location, and was being used to guide the
27 driver of the White Cargo Van to the warehouse location at Avenida Warehouse.

1 The next day, on March 5, 2016, a burgundy Freightliner tractor, bearing CA
 2 license plate WP52347, towing a cargo trailer, bearing CA license plate 4JX3399
 3 (hereinafter "Burgundy Tractor-Trailer"), arrived at the Avenida Warehouse. The
 4 Burgundy Tractor-Trailer was backed up to the third loading dock from the west side of
 5 the warehouse. Agents observed multiple pallets of boxes being loaded into the trailer
 6 and the Burgundy Tractor-Trailer soon departed the Avenida Warehouse. Agents
 7 maintained continuous surveillance of the Burgundy Tractor-Trailer until it parked at a
 8 truck lot located at 4720 U.S. Highway 111, Brawley, California.

9 The next day, on March 6, 2016, that Burgundy Tractor-Trailer moved from the
 10 truck lot in Brawley, California to a warehouse in Los Angeles, California. The truck
 11 driver dropped off the pallets at the warehouse at approximately 0248 hours on March 7,
 12 2016. The owner of the facility granted consent to inspect the palletized cargo that was
 13 unloaded from the Burgundy Tractor-Trailer. Agents observed multiple bundles of
 14 marijuana commingled within boxes of rotten produce. The marijuana weighed
 15 approximately 1,350 pounds.

16
 17
 18 
 19 MATHE W PARKER, SPECIAL AGENT
 HOMELAND SECURITY INVESTIGATIONS

20 Subscribed to and sworn to

21 Before me this 23RD, of March, 2016.

22 
 23 THE HONORABLE PETER LEWIS
 24 UNITED STATES MAGISTRATE JUDGE